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5TH CIRCUIT COURT  
STATE OF HAWAII  
FILED

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Attorneys for Defendants  
JAMES PFLUEGER,  
PFLUEGER PROPERTIES, and  
PILA'A 400, LLC

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

|                                  |   |                                 |
|----------------------------------|---|---------------------------------|
| COUNTY OF KAUA'I, a municipal    | ) | CIVIL NO. 02-1-0160             |
| corporation                      | ) | (Other Civil Action)            |
|                                  | ) |                                 |
| Plaintiff,                       | ) | STIPULATION BETWEEN THE COUNTY  |
|                                  | ) | OF KAUAI AND JAMES H. PFLUEGER, |
| vs.                              | ) | PFLUEGER PROPERTIES, AND PILA'A |
|                                  | ) | 400, LLC FOR DISMISSAL WITH     |
| JAMES H. PFLUEGER, individually; | ) | PREJUDICE AS TO ALL CLAIMS AND  |

G:\Kauai County\Plead\Stipulation

|   |   |                      |
|---|---|----------------------|
| PFLUEGER PROPERTIES, a Hawai'i            | ) | ALL PARTIES          |
| Limited Partnership; PILA'A 400, LLC; and | ) |                      |
| DOE ENTITIES 1 through 50,                | ) |                      |
|   | ) |                      |
| Defendants.                               | ) |                      |
| _____                                     | ) | (No trial date set.) |

**STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER,  
PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS  
TO ALL CLAIMS AND ALL PARTIES**

Pursuant to Rule 41(a)(1)(B) of the Hawaii Rules of Civil Procedure, it is hereby stipulated by and between the parties, Plaintiff County of Kauai ("County") by its Deputy County Attorney, Laurel K.S. Loo, and Defendants James H. Pflueger, Pflueger Properties, and Pila'a, 400, LLC (collectively "Pila'a"), by their respective attorney, Wesley H.H. Ching, Esq., that all claims are hereby dismissed with prejudice, each party to bear its own attorney's fees and costs.


Pursuant to the Settlement Agreement entered between the County and Pila'a, the Court shall retain jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2". There are no remaining parties or issues in this action aside from the Court's retention of jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2".

There was no trial date set for this matter.

DATED: Honolulu, Hawaii,

*Revised Dec 17, 2004*

LAUREL K. S. LOO  
Attorney for Plaintiff  
COUNTY OF KAUAI

  
WESLEY H. H. CHING  
Attorney for Defendants  
JAMES H. PFLUEGER, PFLUEGER  
PROPERTIES, and PILA'A 400, LLC

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COUNTY OF KAUAI, a municipal corporation v. JAMES H. PFLUEGER, individually; PFLUEGER PROPERTIES, a Hawai'i Limited Partnership; PILA'A 400, LLC, CIVIL NO. 02-1-0160, Fifth Circuit Court, State of Hawai'i; STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER, PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS AND ALL PARTIES